

REMARKS

Claims 36-62 are currently pending. Reconsideration of the application in view of the current claims is respectfully requested and further in view of the following Remarks.

I. RESPONSE TO SPECIES ELECTION

Applicants elect the species of **Group B**, where the injectable medium is a contrast medium.

II. STATUS OF RELATED CASES

This application shares the same disclosure with the following application(s) whose status is:

Application Biblio • Appln # • Pub # • Patent #	Date • Appln Date • Pub Date • Issue Date	Examiner	Status
11/193,581	07/29/2005	Christopher J. Beccia	Docketed new case ready for examination.
US 2006/0036272	02/16/2006		Claims directed to a method for treating stenosis in the spine.
11/193,557	07/29/2005	Christopher J. Beccia	Docketed new case ready for examination.
US 2006/0036211	02/16/2006		Claims directed to a kit for performing a procedure on a spine.
11/193,559	07/29/2005	Adam Jared Eiseman	Non final action mailed 8/20/2008; rejection under 35 U.S.C. §112, and §103 in view of Ritchart and Jamshidi; and Ritchart and Jamshidi further in view of DiCaprio; and Ritchart in view of Palmer; Claim 8 is identified as allowable.
US 2006/0036271	02/16/2006		Claims are directed to tissue excision systems
11/193,278	07/29/2005	Brian Scott Szmal	Examiner rejected claims under 35 U.S.C. §102 in view of Truckai or Eggers; and under §103 in view of Truckai in view of Ho, Truckai in view of Burbank, or Truckai in view of Taylor. Applicants filed a response and amendment and presented new claims.
US 2006/0184175	08/17/2006		Claims are directed to device for removing tissue from stenosed spine and device for excising tissue from the spinal region.
11/380,383	04/26/2008	Amy T. Lang	Docketed new case ready for examination.
US 2006/0235452	10/19/2006		Claims directed to tissue excision system for percutaneous surgery.
11/380,382	04/26/2006	Amy T. Lang	Docketed new case ready for examination.
US 2006/0235451	10/19/2006		Claims directed to tissue excision system for percutaneous surgery.

Application Biblio • Appln # • Pub # • Patent #	Date • Appln Date • Pub Date • Issue Date	Examiner	Status
11/380,377	04/26/2006	Amy T. Lang	Docketed new case ready for examination.
US 2006/0264994	11/23/2006		Claims directed to methods for treating stenosis in the spine.
11/380,370	04/26/2006	Matthew F. Desanto	Docketed new case ready for examination.
US 2006/0206115	09/14/2006		Claims directed to a kit for performing a procedure on the spine.

Additionally, the Assignee of this application has other applications on file directed to tissue modification devices and methods as follows:

Application Biblio • Appln # • Pub # • Patent #	Date • Appln Date • Pub Date • Issue Date	Examiner	Status
11/461,020	07/31/2006	Jay R. Seigler	Docketed new case ready for examination.
US 2007/0055263	03/08/2007		Claims directed to device for providing percutaneous access to a surgical site.
11/556,213	11/03/2006	Unassigned	TSS Review complete
US 2007/0162061	07/12/2007		Claims directed to device and method for percutaneously excising tissue
11/382,349	05/09/2006	Larry E. Waggle Jr.	Docketed new case ready for examination.
US 2007/0276390	11/29/2007		Claims directed to method of treating stenosis of a spine.
12/188,360	08/08/2008	Unassigned	Application undergoing pre-exam processing
Not yet published			Claims directed to method of treating spinal stenosis translaterally
12/029,816	02/12/2008	Unassigned	TSS Review complete
US 2008/0221383	09/11/2008		Claims directed to tissue excision device and method of treating stenosis of the neural foramen.

CONCLUSION

Applicants requests the Examiner allow claims 36-62 and advance the application to issuance.

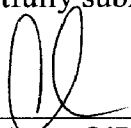
FEE AUTHORIZATION

The Commissioner is authorized to charge any additional fees which may be required, including petition fees and extension of time fees, to Deposit Account No. **23-2415** (Docket No. 36930-704.831).

Respectfully submitted,

Date: October 7, 2008

By:



Cecily Anne O'Regan
Registration No. 37,448

WILSON SONSINI GOODRICH & ROSATI
650 Page Mill Road
Palo Alto, CA 94304-1050
Direct Dial: (650) 849-3207
Customer No. 21971